REMARKS

This communication is a full and timely response to the aforementioned non-final Office Action dated June 19, 2007. By this communication, claims 1, 5-8, 12, 14-16, 19, 21, 22, 24-27, 30-34, and 38 are amended. Claims 1-38 remain pending. Reconsideration and allowance of this application are respectfully requested.

Rejections Under 35 U.S.C. §102

Claims 1-5, 9, 11, 13, 17, 19-24, 28, 30, 31, 35, 37, and 38 were rejected under 35 U.S.C. §102(e) as anticipated by *Yamada et al* (U.S. Publication No. 2003/0161530). Applicants respectfully traverse this rejection.

Applicants' disclosure describes an exemplary system and method for adaptively enhancing saturation by deriving a saturation component from an input image. An average saturation value or a preferred saturation enhancement value of the input image is calculated, and a saturation enhancement determining variable is calculated based on the calculated value. The saturation of each pixel of the input image is determined using a saturation enhancement function based on the saturation enhancement function determining variable and the saturation component derived from the image. The adjusted saturation component is synthesized with other components of the input image so that a saturation adjusted output image is generated.

Independent claims 1 and 19 broadly encompass the features described above by reciting, among other elements, determining a saturation enhancement function used to enhanced a saturation of an input image according to one of an average saturation of the input image and a preferred saturation enhancement value.

Contrary to the position expressed in the Office Action, the *Yamada* publication fails to establish a *prima facie* case of anticipation because it does not teach every element recited in Applicants' claims. The *Yamada* publication relates to a saturation conversion technique that does not particularly disclose Applicants' claimed saturation enhancement function and saturation enhancement function determining variable.

The *Yamada* publication discloses a saturation conversion process in which the saturation value of an input image is stored in an image buffer, and a saturation conversion parameter is determined based on the saturation information of the image and a user instruction. The saturation value stored in the image buffer is converted based on the saturation conversion parameter. See paragraph [0037].

In numbered paragraph 7 on page 3 of the rejection, the Patent Office alleges that Applicants' claimed saturation enhancement function determining variable reads on the saturation conversion parameter disclosed in the *Yamada* publication. Applicants disagree because one of ordinary skill would not reasonably interpret the saturation enhancement function determining variable as recited in Applicants' claims as being analogous to the parameter described in the *Yamada* publication. As it is known in the art, a parameter defines a constant characteristic of a system, or function, such that it is an argument that is intermediate in status between a variable and a constant. When evaluating functions, the independent variables are varied while the parameters are held constant. The *Yamada* publication discloses that a saturation conversion operation is performed based on the saturation conversion parameter, which is defined by user input.

In contrast, Applicants' claimed saturation enhancement function determines an amount of saturation enhancement that should be applied to an input image to generate an appropriate output image based on one of an average saturation of the input image and a preferred saturation enhancement value. The average saturation and the preferred saturation enhancement value are unknown quantities and are determined from calculations (pg. 17, line 22 through pg. 20, line 5). The saturation conversion parameter as described in the *Yamada* publication, on the other hand, is a known value which is set by user instruction. Applicants understand that claims are interpreted broadly for the purposes of examination. However, this broad interpretation must also be reasonable in the context of the Specification. See MPEP §2111. Because one of ordinary skill would not reasonably deem that a variable is analogous to a parameter it follows that Applicants' claimed saturation enhancement function determining variable cannot be analogous to the saturation conversion parameter of the *Yamada* publication. Applicants respectfully submit that a *prima facie* case of anticipation has not been established.

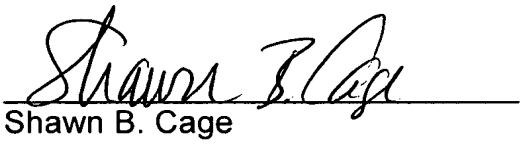
To properly anticipate a claim, the document must disclose, explicitly or implicitly, each and every feature recited in the claim. *See* Verdegall Bros. v. Union Oil Co. of Calif., 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Because *Yamada* fails to teach every element recited in Applicants' claims, and particularly a saturation enhancement function determining variable withdrawal of this rejection is respectfully requested.

Conclusion

Based on at least the foregoing amendments and remarks, Applicants submit that claims 1-38 are allowable, and this application is in condition for allowance. Accordingly, Applicants request a favorable examination and consideration of the instant application. In the event the instant application can be placed in even better form, Applicants request that the undersigned attorney be contacted at the number below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: September 19, 2007 By: 

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